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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER NGUYEN, THUY-VI THI	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 06/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,175

Applicant(s)

SCHNEIDER, RICHARD J.

Examiner

THUY-VI NGUYEN

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 03/13/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on March 13, 2008, wherein:

Claims 1-42 are currently pending;

Claims 1, 35, 38, and 41 have been amended;

Claim 42 has been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-8, 12-22, 32-33, 35-42 is rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (US 6,113,492). Herein after is referred as Walker.

Regarding claim 1, Walker discloses a method for communicating a gaming machine's past payouts to a player, comprising:

tracking gaming machine payout data [...figures 7 and 9; col. 12, lines 56-65; col. 14, lines 7-14]

storing a record of the payout data in memory accessible by the gaming machine [...slot machine database (749); col. 13, lines 5-10; lines 45-51; figures 7 and 9]

accepting criteria from a player such that particular payout data is selected from the record to generate a report [...i.e. *player selects the criteria such as reverse payout mode*; figure 5A, step (506); col. 11, lines 8-32] and

communicating to the player the report derived from the record [...display payout information or report for player viewing; figure 5A, step (510); col. 11, lines 8-32].

Regarding claim 2, Walker discloses in which tracking gaming machine payout data comprises tracking winning events [figure 9];

Regarding claim 3, Walker discloses in which tracking gaming machine payout data comprises tracking the frequency of winning events in a selected time period [col. 9, lines 40-42; col. 17, lines 1-5].

Regarding claim 4, Walker discloses in which tracking gaming machine payout data comprises tracking particular hand types [...game such as graphical reels or playing cards; col. 5, lines 22-26].

Regarding claim 6, Walker discloses in which communicating to the player a report comprises communicating a visual report [figure 5A, step (510)].

Regarding claim 7, Walker discloses in which the visual report is communicated through a display associated with the gaming machine [figure 5A, step (510)].

Regarding claim 8, Walker discloses in which the visual report is communicated through a terminal remote from the gambling machine [...figures 5A and 7].

Regarding claims 12-14, Walker discloses in which communicating to the player a report at a gambling machine [...figures 5A, and 6 and 7]. It is well known in the art that the gambling machine having a speaker. Therefore, this report can also be an aural report or this report can communicate to the player through the speaker of a gambling machine or communicate through a speaker from remote location.

Regarding claim 15, Walker discloses in which communicating to the player a report comprises communicating to the player a standard report [...i.e. player select a standard report such as a normal payout mode; figures 2A-2C, 5B; col. 12, lines 12-22].

Regarding claim 16, Walker discloses in which communicating to the player a report comprises communicating to the player a custom report [...i.e. player select a standard report such as reverse payout mode; figures 3A-C, 5A; col. 11, lines 14-33].

Regarding claim 17, Walker discloses Walker discloses in which communicating to the player a report comprises communicating the report to the player before the player enters a game floor [...mailing the players information; col. 14, lines 5-6 and figure 8].

Regarding to claim 18, Walker discloses in which the report is communicated to the player through electronic means [figure 5A]

Regarding to claim 19, Walker discloses in which communicating to the player a report further comprises communicating the report to a plurality of players [...figure 5A].

Regarding to claim 20, Walker discloses in which the report is communicated to a subset of the plurality of players col. 14, lines 5-6 and figure 8]

Regarding to claim 21, Walker discloses in which the subset of the plurality of players are enrolled in a player tracking system [...col. 14, lines 5-6 and figure 8].

Regarding to claim 22, Walker discloses in which the subset of the plurality of players are players with high player value ratings [see par. 0047, lines 1-6].

Regarding to claim 32, Walker discloses in which the record comprises data corresponding to particular outcomes [col. 1, lines 65-66; figures 2C-3C].

Regarding to claim 33, Walker discloses in which the record comprises data derived from a plurality of gaming machines [col. 12, lines 47-55; figures 2C-3C, 6].

Regarding claim 35, Walker discloses a method for generating a report of a gaming machine's past payout, comprising:

creating a record of payout data [...figures 7 and 9; col. 12, lines 56-65; col. 14, lines 7-14];

tracking payout data [...figures 7 and 9; col. 12, lines 56-65; col. 14, lines 7-14];

storing tracked payout data in the record [...slot machine database (749);
col. 13, lines 5-10; lines 45-51; figures 7 and 9];

allowing a player to access a report generator [...figure 5A];

accepting criteria from the player such that particular payout data is selected
from the record to generate a report derived from the payout data [...i.e. *player
selects the criteria such as reverse payout mode*; figure 5A, step (506); col. 11,
lines 8-32];

generating the report [figure 5A]; and

communicating the report to the player [...display payout information or
report for player viewing; figure 5A, step (510); col. 11, lines 8-32].

Regarding claim 36, Walker discloses in which communicating the report
to the player comprises communicating a standard report to the player [...i.e.
player select a standard report such as a normal payout mode; figures 2A-2C, 5B;
col. 12, lines 12-22].

Regarding claim 37, Peterson discloses in which communicating the report
to the player comprises communicating a custom report to the player [...i.e. player
select a standard report such as reverse payout mode; figures 3A-C, 5A; col. 11,
lines 14-33].

Regarding claim 38, Walker discloses a system for displaying a gaming
machines' historical payout data, comprising;

a gaming machine [figure 1];

memory for storing a record of machine payout data [...figures 1 and 7];

an input device configured to accept criteria from a player such that particular payout data is selected from the record to generate a report derived from the payout data [...Keypad (164) and card reader (166); figure 1, col. 5, lines 13-19; figure 5A]; and

a report generator coupled to the memory and configured to communicate the report to the player [...payout information is generated to display area for player viewing; figures 1 and 5A];

Regarding claim 39, Walker discloses a plurality of gaming machines and a network interconnecting the plurality of gaming machines [figure 6].

Regarding claim 40, Walker discloses a display [figure 1, display (162)].

Regarding to claim 41, Howington discloses system for displaying the past payout data of a gaming machine, comprising:

a plurality of gaming machines, each gaming machine having a display [...display (162); figures 1 and 6]

server coupled to the plurality of gaming machines past play data stored on the server; [figures 6 and 7] and

an input device configured to accept criteria from a player [...keypad (164) or card reader (166); figures 1 and 5A] , and
a processor structured to analyze the past play data using the criteria input by the player such that particular past play data is selected from the past play data stored on the server and to generate indicia on the display, the indicia corresponding to the past play data selected using the criteria input by the player [...figures 1, 5A and 7, user selects the criteria such as reverse payout or normal payout].

Regarding claim 42, further including an access controller configured to provide access to the past play data stored on the server to only a player controlled in a player tracking system or to a player with a high player value rating [figures 8-9].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 23-30, 31, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,113,492) in view of Howington (2002/0152120).

Regarding claim 5, Walker discloses the invention substantially as claimed as discussed above. Walker further discloses tracking the gaming machine's typical payout data [...figures 6 and 9];

However, Walker does not disclose selecting a time period; and comparing the gaming machine's typical payout data to the machines' payout data for the selected time period.

In similar method of tracking the gaming machine performance , Howington discloses selecting a time period [see par. 0032, lines 1-8 and figure

Art Unit: 3689

5]; and comparing the gaming machine's typical payout data to the machine's payout data for the selected time period [...total wins; see par. 0037, lines 1-10; par. 0039 and figures 7-8].

It would have been obvious to a person of ordinary skill in the art at the time the invention to provide Walker with the operation of gaming device which determine the payouts data to include the comparison the machine payout data as taught by Howington in order to make the tracking the gaming machine performance more accurately, automatically and efficiently [Howington; par. 0005].

Regarding to claim 23, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the report comprises a color code corresponding to the payout data [...different colors depending on their performance; see par. 0044, lines 9-14; par. 0049].

It would have been obvious to a person of ordinary skill in the art at the time the to provide Walker with the operation of gaming device which determine the payouts data to include the method of creating a color code to the payout data as taught by Howington in order to provide the color attraction and the opportunity to customers for selecting which jackpot machine they should play and have a better chance to win.

Regarding to claim 24, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the color code is associated with the gaming machine [see par. 0044, lines 9-14; par. 0049].

Regarding to claim 25, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the color

Art Unit: 3689

code is associated with a plurality of gaming machines [see par. 0044, lines 9-14; par. 0049].

Regarding to claim 26, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the plurality of gaming machines are sortable by color code [see par. 0039, lines 3-7; par. 0044, lines 9-14; par. 0049 and figure 9].

Regarding to claim 27, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses further comprising printing a map of the plurality of gaming machines [...map layout; see figures 10-12].

Regarding to claim 28, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the record comprises data corresponding to a selected time period [see par. 0032, lines 1-8 and figure 5];

Regarding to claim 29, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the selected time period is an elapsed time between specific payouts [see par. 0018, lines 9-13 and figure 4].

Regarding to claim 30, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses the selected time period is configured by a user [see par. 0032, lines 1-8 and figure 5];

Regarding to claim 31, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the record

comprises data corresponding to a number of plays between winning events [...figures 5 and 7].

Regarding to claim 34, Walker discloses the invention substantially as claimed as discussed above. However, Howington discloses in which the record is sortable by the frequency of winning events [see figures 2C-3C].

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,113,492) in view of Benoy et al (2003/0054878). Herein after is referred as Walker and Benoy.

Regarding claims 9 -11, Walker discloses the invention substantially as claimed as discussed above. However, fails to disclose the visual report is printed at the gambling machine and visual report is printed remote from the gambling machine.

In a similar method of displaying information at the gambling machine for the player, Benoy discloses the visual report is printed; and visual report is printed at the gambling machine [... information is printed at gambling machine; see par. 0066, lines 8-12; 0076, lines 15-20 and figure 3A; ... a clerk validation terminal may print out a transaction receipt; see par. 0084, lines 1-4].

It would have been obvious to a person of ordinary skill in the art at the time the invention to provide Walker with displaying the information at the gambling machine for player to view to include the information is printed at the gambling machine as taught by Benoy in order to make a convenient for the player may take the report or information with them once if they don't want to view on the display of a gambling machine.

Response to Arguments

7. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is

Art Unit: 3689

571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689